

SCHEDULES

SCHEDULE 4

MISCELLANEOUS AMENDMENTS OF ENACTMENTS RELATING TO CRIMINAL APPEAL.

THE CRIMINAL PROCEDURE (INSANITY) ACT 1964 (C. 84)

- 33 In section 3 (sentence where appeal against verdict of not guilty by reason of insanity is allowed).—
- (a) in subsection (1)(a), for the words " and shall have " there shall be substituted the words " and, subject to subsection (1A) below, shall have ";
 - (b) the proviso to subsection (1) shall be omitted ; and
 - (c) the following subsections shall be added after subsection (1): —
 - “(1A) The criminal division of the Court of Appeal shall not by virtue of subsection (1)(a) of this section sentence any person to death; but where under that paragraph they substitute a verdict of guilty of an offence for which apart from this subsection they would be required to sentence the appellant to death, their sentence shall (whatever the circumstances) be one of imprisonment for life.
 - (1B) An order of the criminal division of the Court of Appeal allowing an appeal in accordance with section 2 of this Act shall operate as a direction to the court before which the appellant came for trial to amend the record to conform with the order.”
- 34 In section 4(6) (application of appeal provisions in section 2 to finding of unfitness to plead), after the words " such a finding " there shall be inserted the words " and references to a person's trial were references to the determination of a question of his fitness to be tried ".